



## Driving by Foreign Nationals in Kentucky

### *International Driver's Permits and Foreign Operator's Licenses*

Kentucky officers making traffic stops often run across documents such as "International Driver's Permits," "International Driver's Licenses" or similar documents. What are these documents and do they give the holder permission to drive in Kentucky? The answer is no. International Driver's Permits (IDP) are, in fact, legitimate documents, used worldwide, but an IDP does not, in and of itself, give the driver the authority to drive in the United States. In 1950, the United States ratified the international Convention on Road Traffic, which was intended to promote "the development and safety of international road traffic by establishing certain uniform rules."<sup>1</sup> This Convention established certain basic safety rules for vehicular and animal traffic throughout the signatory countries. Of particular interest with respect to this issue is Article 24, which addresses the type of documentation that a driver must have to drive outside their own country, and in particular, the issuance of an "international driving permit" (IDP). The essential purpose of this document is to translate the critical information on an individual's operator's license into a variety of common world languages, such as English, Russian, Chinese, Spanish, Italian, Japanese, French, German and Arabic. The permit is not itself a license to drive.

However, a number of Internet sites offer for sale International Driving Permits (also referred to as an International Driver's License, or other variations on the terminology). Usually these documents are a hard plastic card, similar to a Kentucky OL, rather than the cardboard document described by the Convention. Some sites do indicate that these documents are not for use in the home country, the United States, while others are not so scrupulous. In fact, some purport to sell IDPs from other countries, such as Honduras, which would then appear to be valid for use in the United States. These companies are deceptive in representing what an IDP permits a driver to do and specifically advertise the IDP as a way to avoid having a state operator's license and as a "legal" alternative if one's state license is revoked or suspended for any reason. In the United States, only the American Automobile Association (AAA) and the National Automobile Club (NAC) are authorized by the U.S. Department of State to issue the IDP to U.S. citizens who are travelling abroad and intending to rent/drive a car in a foreign country.

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<sup>1</sup> 1 Geneva, 1949, ratified by the U.S. August 17, 1950.

A U.S. citizen must provide two passport-sized photos, their valid state license, a small fee and then complete a brief application. This can be done by mail or in person at any AAA or NAC office. U.S.-issued permits are valid from one year of the date of issue. (Individuals traveling overseas for an extended period may also renew them by mail.) However, as stated above, a U.S.-issued IDP is not valid in the United States. Each country sets the standard for the issuance of IDPs to their own citizens, but all are similar in appearance to the image above, as the parameters are set out by the treaty.

Pursuant to KRS 186.430, nonresidents (which would include foreign visitors) are permitted to drive in Kentucky on their home state or country operator's license if their own state or country accords similar privileges to Kentucky residents. Kentucky does not specifically require a foreign visitor to present an IDP, as some countries outside the U.S. do, although certainly the information provided on the IDP may be useful if the original operator's license is not in English. However, a foreign visitor may not drive only on the IDP, it must be accompanied by an operator's license from the driver's home country, if the home country in fact issues operator's licenses, something virtually all countries now do. In other words, the IDP and the operator's license must match; the same country must issue them both – and the issuing country is reflected on the front cover of the IDP. A citizen of Kentucky, or a non-resident who is a United States citizen from another state, may not drive only on an IDP, as an IDP has no validity in the home country of the driver. In other words, a U.S. citizen who is not a resident of Kentucky must present a valid operator's license from their home state to be considered a legal, licensed driver in Kentucky.

Questions often arise, specifically, with respect to “Mexican driver’s licenses.” Just like the United States, Mexico issues operator’s licenses by state. In other words, there is no such thing as a “Mexican OL, just like there is no such thing as an OL issued by the United States for civilians. A valid OL for a Mexican citizen will be issued by one of the 31 states in Mexico. If it is a valid OL and the individual is legally visiting (not resident) in the United States, it is valid for use in driving in Kentucky.<sup>2</sup> However, once that individual becomes resident (and that would include, for example, working in Kentucky), they are required to have a Kentucky OL. Foreign nationals with legal documentation that indicates the duration of their stay in the United States, such as a limited work visa, or a “green card,” which indicates permanent residency, may obtain a Kentucky OL.<sup>3</sup> Other documents that may be presented by a driver in lieu of an

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<sup>2</sup> Note, however, that these licenses cannot be accessed through the normal methods used by law enforcement officers, so the validity of the license may be suspect.

<sup>3</sup> If the former, the license will be issued only for the duration of the time the individual has permission to stay in the United States.

OL, such as a Matricula Consular or an Individual Taxpayer Identification Number (ITIN) card,<sup>4</sup> are not valid for driving purposes and because of the manner in which they are issued, are not necessarily credible even for identification purposes.

Failure by any United States citizen or foreign national (who is not resident in Kentucky) to present a valid operator's license from their home state or country of residence should result in a citation (at least), for "No Operator's License," a violation of KRS 186.410. (Certainly a foreign national whose home country does not officially license drivers may present this information in court as a defense.) Actual residents of Kentucky, whether a U.S. citizen or a foreign national, are required to obtain a Kentucky operator's license in order to drive. Current college students, however, who also carry appropriate student identification are exempted from this provision, and may continue to drive on their original operator's license, as may members of the military. And of course, all persons driving in Kentucky are required to follow the motor vehicle laws of the Commonwealth.

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<sup>4</sup> Note: an ITIN number will be formatted like a Social Security Number but will start with the number 9 and includes a range of 70-88 in the fourth and fifth digits. This number is issued by the Internal Revenue Service for individuals who need a tax reporting number but who do not qualify for a Social Security card. It cannot be "run" in the way a Social Security number can be and the IRS makes little effort to confirm anything about the identity of the applicant for the ITIN.

## KENTUCKY REVISED STATUTES

### 186.430 Exemption of nonresidents.

(1) Except as provided in subsection (2) of this section, a person over the age of sixteen (16) who is a United States citizen and who is not a resident of Kentucky may drive in Kentucky for a period of time not to exceed one (1) year from the date the person enters Kentucky if: (a) The person possesses a valid license issued by the person's home state; (b) The person has the license in his or her immediate possession at all times when operating a vehicle on the highways; and (c) The person's home state accords similar privileges to licensed residents of Kentucky.

(2) A person who is a United States citizen but who is not a resident of Kentucky who is enrolled as a full-time or part-time student at a university, college, or technical college located in Kentucky may drive in Kentucky on a valid license issued by the person's state of domicile, and shall not be required to obtain a Kentucky operator's license under this chapter if the person has a student identification card from a university, college, or technical college located in Kentucky in his or her immediate possession at all times when driving in Kentucky.

(3) A person over the age of sixteen (16) who is not a United States citizen and who is legally visiting this country for less than one (1) year may drive in Kentucky on a valid domestic license issued by the person's country of domicile and shall not be required to obtain a Kentucky driver's license.

(4) A person over the age of sixteen (16) who is not a United States citizen, who has not been granted status as a permanent resident of the United States, but is a resident of Kentucky, shall be issued a Kentucky operator's license if the person complies with the requirements of KRS 186.412. Except as provided in this subsection, an operator's license issued to a person who is not a United States citizen, who has not been granted status as

a permanent resident of the United States, and who is not a special status individual but is a Kentucky resident, shall be valid for a period equal to the length of time the person's documentation from the United States Department of Justice, Immigration and Naturalization Service is issued, or four (4) years, whichever time period is shorter. An initial or renewal operator's license shall be valid for a period of two (2) years if the person is not a special status individual and the person's documentation issued by the United States Department of Justice, Immigration and Naturalization Service, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular operator's license. The cabinet may at any time refuse or discontinue the exemptions authorized in this section for any grounds and may deny, cancel, suspend, or revoke an instruction permit or operator's license issued under this chapter. (5) A person whose operator's license or privilege to operate a motor vehicle, motorcycle, or moped in this state has been denied, withdrawn, canceled, suspended, or revoked as provided in KRS 186.400 to 186.640 shall not operate a motor vehicle, motorcycle, or moped in this state under a license, permit, or registration certificate issued by any other jurisdiction during the period of denial, withdrawal, cancellation, suspension, or revocation.

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